



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 7
901 NORTH 5TH STREET
KANSAS CITY, KANSAS 66101

APR 17 2012

Mr. Lubin Quinones, Division Administrator
Federal Highway Administration
105 6th Street
Ames, IA 50010

Dear Mr. Quinones:

RE: Eastern Hills Drive and Connecting Roadways: Council Bluffs, Iowa
Draft Environmental Impact Statement - CEQ Number - 20120075

The U.S. Environmental Protection Agency has reviewed the Draft Environmental Impact Statement for the Eastern Hills Drive and Connecting Roadways. Our review is provided pursuant to the National Environmental Policy Act 42 U.S.C. 4231, Council on Environmental Quality regulations 40 C.F.R. Part 1500-1508, and Section 309 of the Clean Air Act. The DEIS was assigned the CEQ number 20120075.

EPA has rated the DEIS as EC-2 (Environmental Concerns-Insufficient Information). A copy of EPA's rating definitions is enclosed. This EC-2 rating is based upon the absence of mandatory information set forth in NEPA regulations. In particular, the DEIS lacks a clear preferred alternative, and essentially analyzes only two alternatives: the "No build" and a "build through Eastern Hills Drive." Given that the project purpose is to connect U.S. Highway 6 with Iowa Highway 92 a number of viable alternative alignments could satisfy that purpose. Other areas needing information improvement are discussed in the attached detailed comments, and reference to applicable NEPA regulations are provided (e.g., 1502.13).

EPA appreciates the opportunity to provide comments regarding this project. If you have any questions regarding this letter, please contact Joe Summerlin at (913) 551-7029 or via email at summerlin.joe@epa.gov.

Sincerely,

Jeffery S. Robichaud
Deputy Division Director
Environmental Services Division

cc: Greg Reeder, City of Council Bluffs, Council Bluffs, IA
James Rost, Iowa Department of Transportation, Ames, IA



Detailed Comments

Executive Summary

NEPA regulations at Sec. 1502.12, (Summary), states that, "Each environmental impact statement shall contain a summary which adequately and accurately summarizes the statement. The summary shall stress the major conclusions, areas of controversy (including issues raised by agencies and the public), and the issues to be resolved (including the choice among alternatives)". The DEIS appears to show bias toward a solitary build alternative rather than evaluate several alternatives capable of addressing the purpose and need comparatively.

Alternatives Considered: Alternatives 7 & 8 are not covered in the Executive Summary, nor does the DEIS discuss reasons why these alternatives were discarded.

Relocations: Although there are land parcels within the adjacent residential developments for sale, the summary doesn't explain how the lead agency plans on helping affected persons transition. Merely stating that a person may choose to live inside or outside the zone does not fully inform the public of this impact. EPA suggests including excerpts from the Uniform Relocation Act to equip decision-makers, impacted residents, and stakeholders with detailed information on relocation procedures.

Economic Impacts (p. ES-3), the DEIS addresses the positive economic impacts on businesses. It does not address potential negative economic effects on businesses or residents.

In the Air Quality section (p. ES-4), the DEIS states that air quality will be improved because of less traffic congestion. This may not hold true for each segment. Segment D may see less congestion, and better air quality, while Segment C will see more overall traffic and possibly lowered air quality.

Farmland and Soils (p. ES-5), the DEIS states there is no land zoned for farmland or agricultural uses, however, this does not relinquish the requirement to notify the U.S. Department of Agriculture about the intent to convert Prime, Unique or Farmland of Statewide Importance to other uses. Although EPA notes that this is covered in the DEIS main body, we suggest that the Final EIS discuss compliance with USDA on this matter within the Executive Summary.

The Cumulative Impact section (p. ES-5) addresses relocation of residences, and conveys positive impacts on transportation, but does not address whether or not there will be cumulative impacts to the environment such as Little Pony Creek, Pony Creek or Mosquito Creek. Given that Mosquito Creek is already listed by the State as "impaired", it is important to discuss whether the project would be expected to change the status either negatively, or positively. A quick search of projects on the Iowa Department of Transportation website (<http://www.iowadot.gov/>) shows a number of projects that could be expected to have cumulative, direct and indirect impacts to this project. For example, the proposed high-speed rail initiative could be built in the same area between Highway 6 and 92. Interstate 80 has interchange improvements being worked on as soon as April 2012. EPA recommends that the FEIS address these potential effects of those proposed actions.

Issues Raised by Agencies and Public: In the Stakeholder and Public Involvement section, the DEIS explains when and where meetings were held, and how information flowed from the lead agency to the public. EPA recommends that the FEIS provide discussion on how public comments and concerns from those meetings were incorporated into project modifications that responded to those inputs.

Issues to be Resolved: Though there is not a section titled “Issues to be resolved”, the DEIS does have a section in the Executive Summary that covers mitigation strategies. EPA recommends further explanation of issues (impacts) and mitigation strategies developed specifically for the selected alternative.

Choice Among Alternatives: There is no identified preferred alternative. EPA recommends improving the discussion on selection criteria for the preferred alternative, as well as a more detailed explanation why other alternatives were determined to be not suitable for further consideration.

1.0 Purpose and Need (see 40 CFR Sec. 1502.13)

The purpose and need statement is vague. EPA recommends providing details of the joint planning efforts between the County of Pottawatomie and the City of Council Bluffs, that led to the determination that US 6 and IA 92 needed to be connected, and what additional services could be realized with such a connection (safety and emergency services, excess capacity to service the airport’s expected growth, etc.).

2.0 Alternatives

NEPA regulations (Sec. 1502.14) state that alternatives (including the proposed action), should present the environmental impacts of the proposal and the alternatives in comparative form, thus sharply defining the issues and providing a clear basis for choice among options by the decision maker and the public. In this section agencies shall:

- a. Rigorously explore and objectively evaluate all reasonable alternatives, and for alternatives which were eliminated from detailed study, briefly discuss the reasons for their having been eliminated.
- b. Devote substantial treatment to each alternative considered in detail including the proposed action so that reviewers may evaluate their comparative merits.
- c. Include reasonable alternatives not within the jurisdiction of the lead agency.
- d. Include the alternative of no action.
- e. Identify the agency's preferred alternative or alternatives, if one or more exists, in the draft statement and identify such alternative in the final statement unless another law prohibits the expression of such a preference.

Although there is discussion of joint planning discussions that led to a single alignment with variations within short segments of that single alignment, other alternative routes were likely discussed and would have had value in comparison in the NEPA process. NEPA allows for incorporation of other planning processes that led to culling earlier considered alternatives.

Rigorously explore and objectively evaluate all reasonable alternatives (1502.14(a)): Routes south of the airport would appear to meet the stated Purpose and Need. If south of airport routes were considered, please state why they were discarded. The DEIS divides a single alternative alignment into four segments. There are “alternatives” (slight design variations) for segments C & D, but there are no

“alternatives” for segments A and B. Could Cottonwood Road serve as an alternative, or was it been ruled out in previous planning efforts?

Identify preferred alternative (1502.14(e)): EPA recommends identifying the preferred alternative.

3.0 Affected Environment (1502.15)

3.4 Relocations: The DEIS does not include Alternative 8 or 9 in the analysis. We recommend including all alternatives in each analysis to inform the public why a certain alternative should be eliminated.

3.6.3 Build Alternatives (under the heading “Economic Impacts”): The DEIS states, “There are no anticipated impacts to future developments.” Since one of the project purposes is to “Support planned land development in Council Bluffs and Pottawattamie County”, EPA recommends characterizing the “build” alternative as having positive economic impact on future developments.

4.0 Environmental Consequences (1502.16)

Environmental Impact of proposed action (102(2)(C)(i)): “Section 3.11.3 Build Alternatives Regional Air Quality Impacts” suggests that there would be improved air quality due to better traffic flow, however, the section did not address the issue of increased traffic density on the larger roads due to residential and commercial developments in the immediate area. An increase in overall traffic, including the added presence of lawn care and construction equipment in the area would certainly decrease air quality even if better traffic flow is a project result. The DEIS does take into consideration increased air quality standards placed on vehicle manufacturers by EPA that will be increasingly more strict in the coming years.

Under section 3.12.1.2 Surface Water: The DEIS explains that there will be potential for greater amounts of stormwater runoff in many of the alternatives. However, the DEIS does not explain how to mitigate this environmental issue (1502.16(h)).

Section 3.15.2 Environmental Consequences (Woodlands): The DEIS only mentions Alternative Three and Four with no mention of the other alternatives.

Section 3.15.3 Woodland Mitigation: The DEIS states, “Mitigation for the woodlands that are to be permanently impacted may include the acquisition of existing wetlands which would be placed under a protective easement.” EPA recommends further discussion on this issue. Are the wetlands forested? Is the woodland lost the equivalent type of woodland as the mitigation tract? Does a 1:1 ratio among different resource types meet the mitigation criteria set forth by the state?

Section 3:16:1 Affected Environment (Threatened and Endangered Species): The DEIS states that no response was received from the USFWS. EPA recommends completing this coordination with the USFWS.

Appendix (1502.18(b))

Include any documents or statements from public meetings in order to inform the public what issues and concerns were brought up in past.

In summary, EPA recommends:

- the FEIS select a preferred alternative,
- improve the purpose and need statement,
- include full discussion of all alternatives in each section within Chapter 3,
- consider the negative effects of the project as well as the positive ones,
- include mitigation strategies to combat negative effects, and,
- include public comments received prior to DEIS publication in the appendix.

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CONCURRENCE: Edie:7803:041712:H:/ENSV/IO/NEPA/Summerlin/2012/DEIS Eastern Hills Drive, Council Bluffs, IA_finaleditsjc.docx				
DIV/BR	ENSV/NEPA	ENSV/NEPA		
NAME	Summerlin	Cothorn	RODRIGUEZ	
DATE	17 APR 12	17 APR 12	4/17/12	
INITIALS	RJS	JEC		